

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - SW/S Winters Lane, 884' W of the c/l of Edmondson Avenue (151 Winters Lane) 1st Election District 1st Councilmanic District	* BEFORE THE * DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 96-476-SPHXA *
American Legion Post #263 Petitioner	*

\* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variance for that property known as 151 Winters Lane, located in the vicinity of Edmondson Avenue in Catonsville. The Petitions were filed by the owner of the property, the American Legion Post No. 263, by John A. Copeland, Commander, through their attorney, Newton A. Williams, Esquire. The Petitioner seeks approval of a modification of the special exception granted in prior Case No. 73-174-X and a special exception to permit a community building which complies to the extent possible with Residential Transition Area (RTA) requirements, pursuant to Section 1B01.1.B.1.g(10) of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioner seeks a variance from Section 409.4 of the B.C.Z.R. to permit 61 parking spaces in lieu of the required 115 spaces. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were John D. Copeland, Sr., and Newton A. Williams, Esquire, attorney for the Petitioner. Numerous members of American Legion Post No. 263 as well as residents from the surrounding community also attended the hearing. There were no Protestants present.

ORDER RECEIVED FOR FILING

Date 8/5/96

By [Signature]

MICROFILMED

Testimony and evidence offered revealed that the subject property consists of 1.008 acres, more or less, zoned D.R. 5.5 and is improved with a two-story brick and frame building which is the home of American Legion Post No. 263. The property was the subject of prior Case No. 73-174-X in which the Petitioner was granted a special exception for a community building on the subject property many years ago. The existing building is an old house which was converted for use by Post No. 263, subsequent to the granting of the special exception on February 7, 1973. The Petitioner is now desirous of razing that structure and building a new building as shown on Petitioner's Exhibit 1. Testimony revealed that Post No. 263 presently has 163 members and that because the existing structure is very small and has no kitchen, the Petitioner is in desperate need of upgrading their facility. Due to the proposed modifications to the relief granted in the prior case, and the property's location within the D.R. 5.5 zone, the special hearing and special exception relief are necessary. Furthermore, the Petitioner requested a period of five (5) years from the date of this Order in which to accomplish the proposed improvements.

As to the parking variance requested, testimony indicated that there is currently not enough space to meet current parking requirements; thus, a variance is needed in order to proceed with the proposed improvements. However, testimony revealed that the Petitioner has entered into an agreement with the Morningstar Baptist Church located on the adjacent property to utilize their parking lot for overflow parking. It was clear from the testimony that the parking provided on site as well as the overflow parking available on the adjacent lot will more than meet the needs of American Legion Post No. 263. In support of its request, the Petition-

ORDER RECEIVED FOR FILING  
Date 8/3/76  
By [Signature]

er submitted letters from many nearby community organizations as well as their neighbors indicating they have no objections to the relief requested.

In the opinion of this Deputy Zoning Commissioner, the proposed improvements will be a tremendous benefit to the surrounding community, given the services the American Legion Post No. 263 now provides, and the fact that the improvements themselves will have an aesthetic value.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 5.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

ORDER RECEIVED FOR FILING

Date

By

ENCLOSURE

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

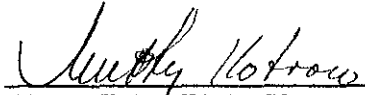
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5<sup>th</sup> day of August, 1996 that the Petition for Special Hearing seeking approval of a modification of the special exception granted in prior Case No. 73-174-X to construct a new and improved community building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a community building which complies to the extent possible with Residential Transition Area (RTA) requirements, pursuant to Section 1B01.1.B.1.g(10) of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petitioner shall have five (5) years from the date of this Order in which to utilize the special exception granted herein; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.4 of the B.C.Z.R. to permit 61 parking spaces in lieu of the required 115 spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

August 5, 1996

Newton A. Williams, Esquire  
Nolan, Plumhoff & Williams  
210 W. Pennsylvania Avenue, Suite 700  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE  
SW/S Winters Lane, 884' W of the c/l of Edmondson Avenue  
(151 Winters Lane)  
1st Election District - 1st Councilmanic District  
American Legion Post #263 - Petitioner  
Case No. 96-476-SPHXA

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. John A. Copeland, Commander, American Legion Post #263  
151 Winters Lane, Catonsville, Md. 21228

People's Counsel

File

MICROFILMED





# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

151 Winters Lane

96-476-XA

which is presently zoned

D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a modification of the special exception for community building granted in Case No. 73-174-X

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

(Type or Print Name)

American Legion Post 263  
(Type or Print Name)

Signature

Signature

Address

JOHN A. COPELAND, COMMANDER,  
(Type or Print Name)

City

State

Zipcode

Signature

151 Winters Lane

Address

Phone No

Catonsville

MD

21228

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Newton A. Williams

Name 210 W Pennsylvania Ave

Suite 700

823-7800

Address Towson, MD 21204

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: R.T. DATE 6-4-94

ITEM 483

ORDER RECEIVED FOR FILING

Date

By

Attorney for Petitioner

Nolan, Plumhoff & Williams  
Newton A. Williams

(Type or Print Name)

Signature

210 W Pennsylvania Ave.  
Suite 700

823-7800

Address

Phone No.

Towson

MD

21204

City

State

Zipcode



RECORDED



# Petition for Special Exceptions

to the Zoning Commissioner of Baltimore County

for the property located at 151 Winters Lane

96-476-XA

which is presently zoned D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for (1) an upgraded, improved community building; and (2) a special exception for a new community building, which complies "to the extent possible with RTA use requirements" under section 1B01.1B.1.g.(10).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Legal Owner(s):

American Legion Post 263  
(Type or Print Name)

Signature

JOHN A. COPELAND, COMMANDER.  
(Type or Print Name)

Signature

151 Winters Lane

Address

Phone No.

Catonsville

MD

21228

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Newton A. Williams

210 W. Pennsylvania Ave.

Towson, MD 21204

823-7800

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates June 19 to July 31

Next Two Months

ALL

OTHER

REVIEWED BY: R.T.

DATE

6-4-96

Item 483

ORDER RECEIVED FOR FILING

Date

Attorney for Petitioner:

Nolan, Plumhoff & Williams  
Newton A. Williams

(Type or Print Name)

Signature

Newton A. Williams

210 W. Pennsylvania Avenue

823-7800

Address

Phone No.

Towson

MD

21204

City

State

Zipcode



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 151 Winters Lane

which is presently zoned D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.4 to permit 61 parking spaces in lieu of the required 115 spaces.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. This is an existing, older American Legion Post which has a limited site available.
2. The parking requirement will rarely be taxed, as 61 spaces is far more available than now provided.
3. That there is an existing vacant parking lot available to the north, as well as space available on a church lot across Winters Lane.
4. That the upgraded, modernized American Legion Post will be of great benefit to the Property is to be posted and advertised as prescribed by Zoning Regulations. area.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Newton A. Williams

(Type or Print Name)

Signature

210 W. Pennsylvania Avenue

Suite 700

823-7800

Address

Phone No.

Towson

MD

21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

American Legion Post 263

(Type or Print Name)

Signature

(Type or Print Name)

Signature

151 Winters Lane

Address

Phone No.

Catonsville

MD

21228

City

State

Zipcode

Name, Address and phone number or representative to be contacted

Newton A. Williams

Name

210 W Pennsylvania Avenue, Suite 700

Towson, MD 21204

823-7800

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: R.T.

DATE

6-4-96

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Printed with Soybean Ink  
on Recycled Paper

ITEM # 483

ORDER RECEIVED FOR FILING

Date

BY



# PHOENIX ENGINEERING, INC.

813 Maiden Choice Lane • Suite 300 • Baltimore, MD 21228 / CONSULTING ENGINEERS

96-476-XA

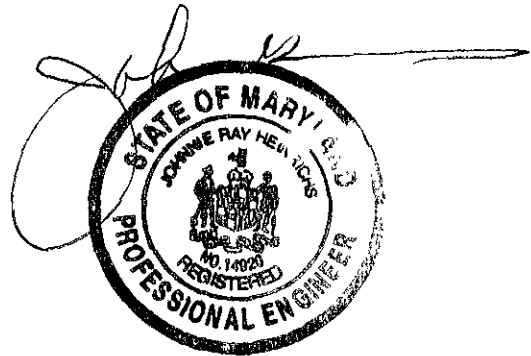
## ZONING DESCRIPTION

American Legion - Post 263  
151 Winters Lane  
Catonsville, Maryland 21228

BEGINNING at a point on the southwest side of Winters Lane, which is a 40 foot wide Right-of-way at the distance of 994 feet northwest of the centerline of the nearest improved street, Edmondson Avenue, which is 70 feet wide; thence the following courses and distances

1. South  $56^{\circ} 16' 50''$  West 248.02 feet to a point; thence
2. North  $34^{\circ} 44' 43''$  West 176.81 feet to a point; thence
3. North  $57^{\circ} 06' 52''$  East 252.41 feet to a point on said right-of-way of Winters Lane; thence running with said right-of-way
4. 135.90 feet along a curve with a radius of 2480.00 feet and having a chord bearing South  $33^{\circ} 34' 10''$  East 135.89 feet to a point; thence continuing along said right-of-way
5. 37.23 feet along a curve with a radius of 2520.00 feet and having a chord bearing South  $32^{\circ} 25' 26''$  East 37.23 feet to the place of beginning.

CONTAINING 1.008 Acres of land more or less.



5-17-76

MICROSOFT

ITEM# 483

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland      *QB-476-VH*

District *1st*

Date of Posting *6/14/96*

Posted for: *Special Excavation & Special Hoarding*

Petitioner: *Frederick Legion Post 263*

Location of property: *137 Wilkens Lane S.W.*

Location of Sign: *Leaving Roadway on property being zoned*

Remarks: \_\_\_\_\_

Posted by \_\_\_\_\_

*[Signature]*  
Signature

Date of return: *6/23/96*

Number of Signs: *1*

MICROFILMED

# NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the proposed modified hearing in Room 408 of the County Office Building, 111 W. Chesapeake Avenue, in Towson, Maryland 21204, at Room 118, Old Courthouse, 409 Washington Avenue, Towson, Maryland 21204, on:

Case #89-476-34

(Item #89)  
151 Wilkes Lane  
S.W.S. Wilkes Lane, 994 +/-  
W of c) Edmonston Avenue  
1st Election District  
1st Campaign

Legal Owner(s):  
American Legion Post 283

Special Exception for an upgraded, improved, community building and for a new community building. Special Hearing: to approve a modification of the special exception for a community building granted in case #73-174-X. Variance: to permit 61 parking spaces in lieu of the required 115 spaces.  
Hearing: Monday, July 8, 1996 at 2:30 p.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call 867-3363.

(2) For information concerning the file and/or hearing, Please Call 867-3361.

8/19/96 June 20

CS1192

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/20, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/20, 1996.

THE JEFFERSONIAN,

*A. H. Erickson*  
LEGAL AD: TOWSON

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FIN E - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 256855

ITEM # 433

DATE 6-4-96 ACCOUNT R-001-6150

070- \$ 650.00

050-3 9610-\$ 105 AMOUNT \$ 755.00

RECEIVED  
FROM:

Malam, Randolph Williams

96-476-XA

FOR:

SPX, SPH & VAR.

MICROFILMED

01A00W0129HICRC

BA 0010:42AM06-04-96

\$755.00

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER  
YELLOW - CUSTOMER



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

**NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.**

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 483 Petitioner: American Legion Post

Location: 151 Winters Lane

PLEASE FORWARD ADVERTISING BILL TO:

NAME: American Legion Post 263

ADDRESS: 151 Winters Lane

Catonsville, Md. 21228

PHONE NUMBER: 747-9762

**MICROFILMED**

TO: PUTUXENT PUBLISHING COMPANY  
June 20, 1996 Issue - Jeffersonian

Please forward billing to:

American Legion Post 263  
151 Winters Lane  
Catonsville, MD 21228  
747-9762

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-476-XA (Item 483)  
151 Winters Lane  
SW/S Winters Lane, 994'+/- W of c/l Edmondson Avenue  
1st Election District - 1st Councilmanic  
Legal Owner(s): American Legion Post 263

Special Exception for an upgraded, improved community building and for a new community building.  
Special Hearing to approve a modification of the special exception for community building granted in case #73-174-X.

Variance to permit 61 parking spaces in lieu of the required 115 spaces.

HEARING: MONDAY, JULY 8, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

June 14, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-476-XA (Item 483)  
151 Winters Lane  
SW/S Winters Lane, 994<sup>1</sup>/<sub>2</sub> W of c/l Edmondson Avenue  
1st Election District - 1st Councilmanic  
Legal Owner(s): American Legion Post 263

Special Exception for an upgraded, improved community building and for a new community building.  
Special Hearing to approve a modification of the special exception for community building granted in case #73-174-X.  
Variance to permit 61 parking spaces in lieu of the required 115 spaces.

HEARING: MONDAY, JULY 8, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: American Legion Post 263  
Newton A. Williams, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

July 3, 1996

Newton A. Williams, Esquire  
210 W. Pennsylvania Avenue  
Suite 700  
Towson, MD 21204

RE: Item No.: 483  
Case No.: 96-476-XA  
Petitioner: John Copeland

Dear Mr. Williams:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 4, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)

MICROFILMED





B A L T I M O R E   C O U N T Y,   M A R Y L A N D

I N T E R O F F I C E   C O R R E S P O N D E N C E

TO:        Arnold Jablon, Director  
           Department of Permits & Development  
           Management

Date:   June 21, 1996

FROM:      Robert W. Bowling, Chief  
           Development Plans Review Division

SUBJECT:   Zoning Advisory Committee Meeting  
           for June 24, 1996  
           Item No. 483

The Development Plans Review Division has reviewed the subject zoning item. The proposed 16-foot wide access off Winters Lane should be eliminated.

The submitted layout conforms with the Landscape Manual Area Requirements for Parking Lots and Perimeter Buffers. The planting notes on the plan do not constitute a reviewable plan. A Schematic Landscape Plan prepared by a Landscape Architect must be submitted at the Development Plan stage.

RWB:jrb

cc:   File

ZONE14A

MICROFILMED

Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 06/20/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Pro

Location

Item No.

Gentle

**Kodak ds**  
*digital science™*

**DEMO**

: 17, 1996.

Agenda:

Pursuant to the provisions of the Fire Code, referenced property has been surveyed  
by this Bureau and the comments below are applicable and required to  
be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS 483, 484, 485, 486, 488 & 489.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed with Soybean Ink  
on Recycled Paper

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: PDM / Roslyn Eubanks  
FROM: R. Bruce Seeley  
Permits and Development Review  
DEPRM

DATE: 6/14/96

SUBJECT: Zoning Advisory Committee  
Meeting Date: June 17

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

483

484

485

486

487

488

489

RBS:sp

BRUCE2/DEPRM/TXTSBP

MICROFILMED



**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

6-18-86

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204


RE: Baltimore County  
Item No. 483 (RT)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

*for*   
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

# PETITION PROBLEMS

## #483 --- RT

1. No telephone number for legal owner.

## #485 --- MJK

1. Only one legal owner signature on back of petition form.

## #487 --- JLL

1. Need authorization for person signing for legal owner.

June 11, 1996

MICROFILMED

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR SPECIAL EXCEPTION		
PETITION FOR VARIANCE	*	ZONING COMMISSIONER
151 Winters Lane, SW/S Winters Lane,		
994'+/- W of c/l Edmondson Avenue, 1st	*	OF BALTIMORE COUNTY
District, 1st Councilmanic		
	*	CASE NO. 96-476-SPHXA
American Legion Post 263		
Petitioner	*	

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

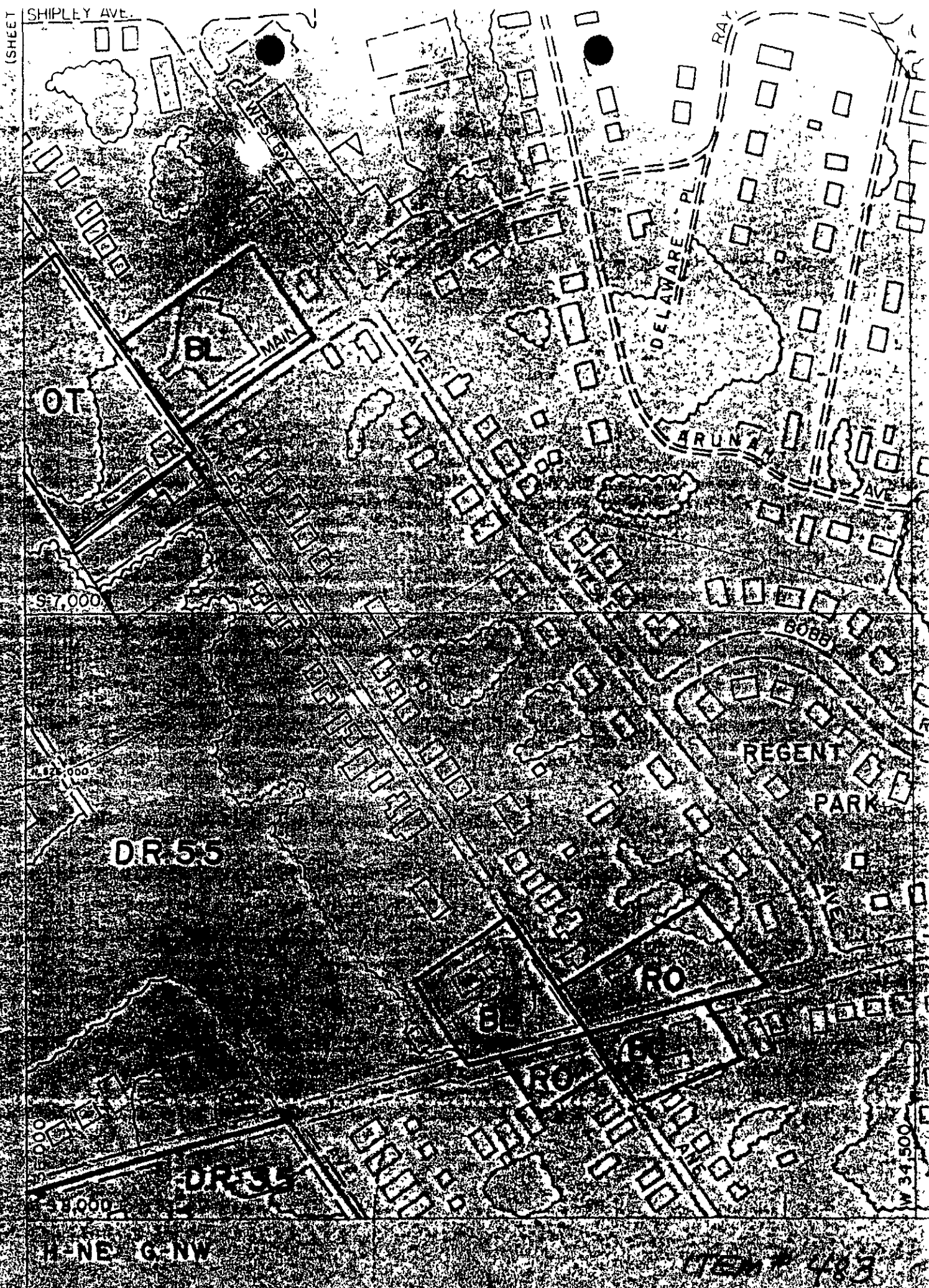
I HEREBY CERTIFY that on this 28<sup>th</sup> day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esquire, Nolan, Plumhoff and Williams, 210 W. Pennsylvania Avenue, Suite 700, Towson, MD 21204, attorney for Petitioner.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

MICROFILMED

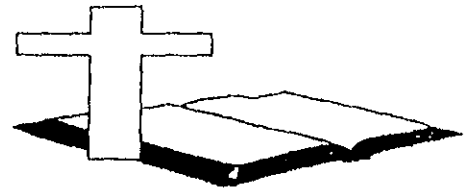
96-476-XA MICROFILMED



H-NE G-NV

ITEM # 483

MORNING STAR BAPTIST CHURCH of Baltimore County  
154 Winters Lane  
Catonsville, Maryland 21228  
(410) 747-3417



June 26, 1996

Deacon Thomas M. Ramsey  
Chairperson of Deacon Board

Mrs. Shirley A. Scott  
Chairperson of Trustee Board

Mr. Benjamin Sumbly  
Treasurer

Mrs. Nettie H. Page  
Church Clerk

TO WHOM IT MAY CONCERN:

This is to advise that the American Legion, Post #263, has permission to use our parking lot located at 153 Winters Lane, as their overflow.

If you need more information or any further assistance, please contact me through the Church at 747-3417.

Sincerely yours,

*Shirley A. Scott/gs*  
Shirley A. Scott  
Chairperson-Trustee Board

MICROFILMED

PETITIONER'S  
EXHIBIT 5



July 5, 1994

Concerned Citizens of Catonsville  
Community Association

To: Baltimore County Public Officials

From: Charlotte Maybin *Charlotte Maybin*  
President, CCCCA

Re: The Proposal for the Catonsville  
American Legion Post # 263

Please be informed that the American Legion Post Officials and their architect presented a proposal to the Concerned Citizens of Catonsville this winter. The proposal was presented in a thorough manner and seemed to have taken into consideration a number of community options. Our community association is in full support of this project. Completing this project would mean significant improvement in the aesthetics of our community. In conclusion, our community would like to thank you in advance for your assistance in making this happen. If there are any concerns related to this issue, feel free to contact me. Please find below my mailing address and telephone number. Your consideration in this matter is greatly appreciated.

Charlotte Maybin  
140 Wesley Ave.  
Catonsville, Md. 21228  
Telephone: 1-(410)-744-7423

*Pet. #4*

MICROFILMED

PETITIONER'S  
EXHIBIT 4

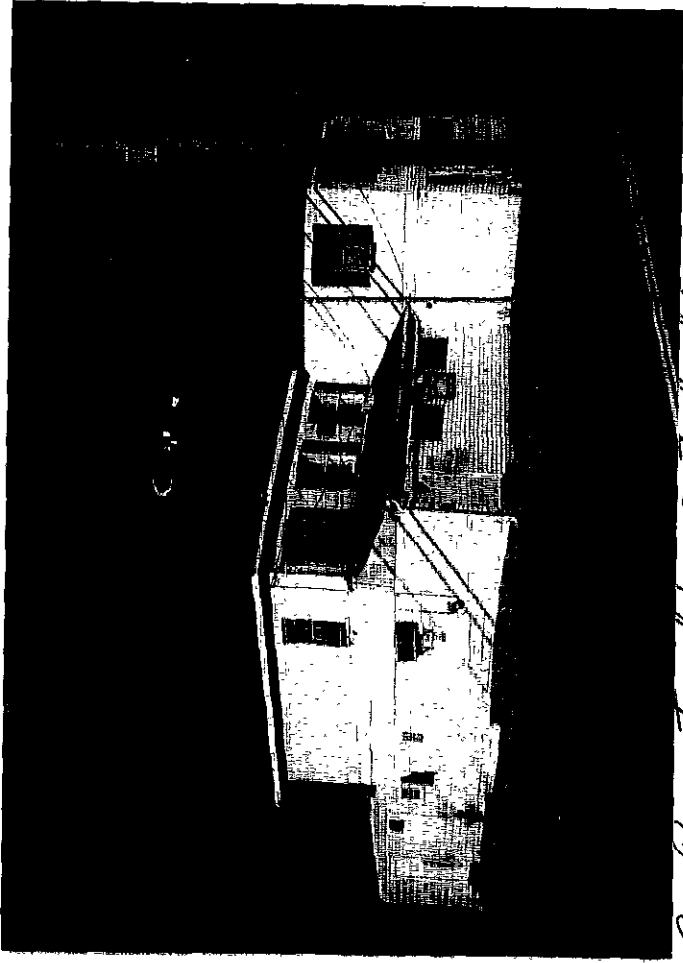


A. Subject Site and Present, Older Post Building on the SW/5 of Winter Lane,  
opposite Main Avenue at North corner

*American Legion Post 263*

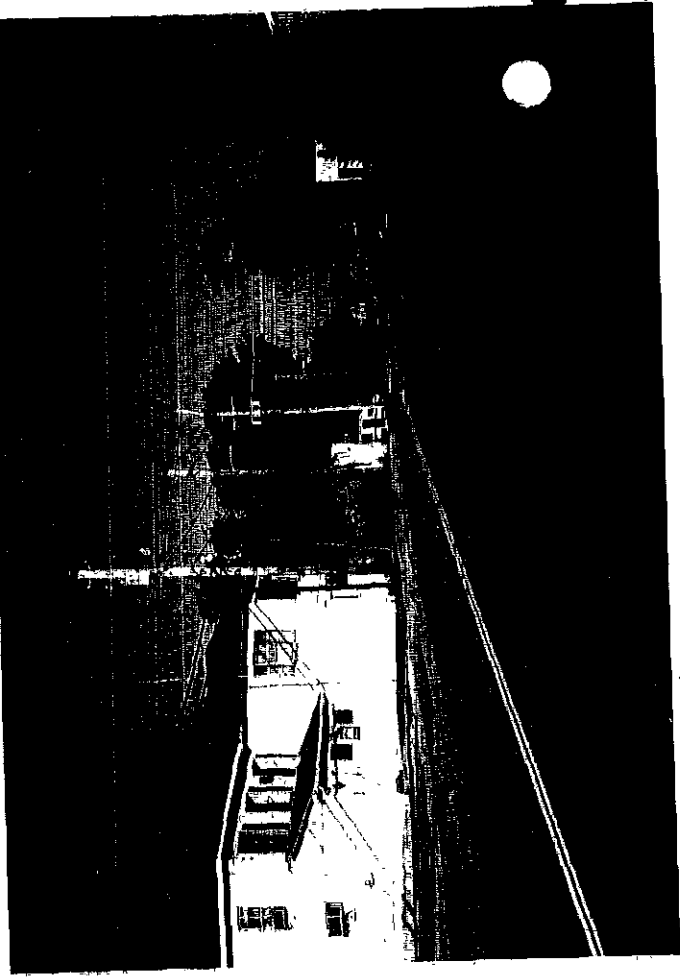
*Case No. 96-476-SPHXA.*

**PETITIONER'S  
EXHIBIT** 2A



B. Present, older post building  
granted in Case No. 73-74-X

UNRECORDED



C. Looking NW on Winters Lane toward  
Route 40 West.

JB



*D. Central and southern side of site*

MICROFILMED



*E. Looking SE on Winters Lane from  
present post building and  
driveway*

20

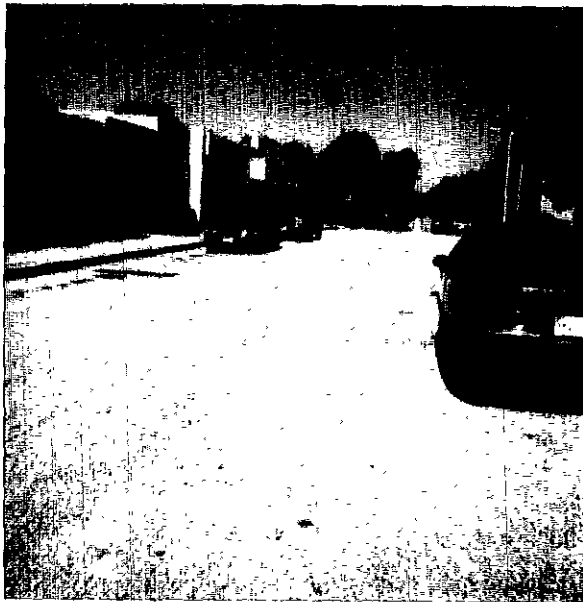


Baltimore County  
Department of Permits and  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

96-476-XA

# PETITIONER'S EXHIBIT 3

76-476 XA



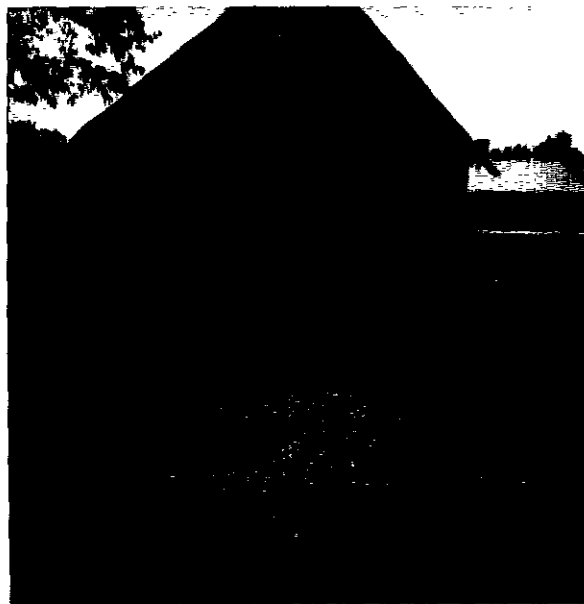
off site street parking



BANNER REAR PARKING  
LOT



MASONIC Temple  
Land MARK # 40



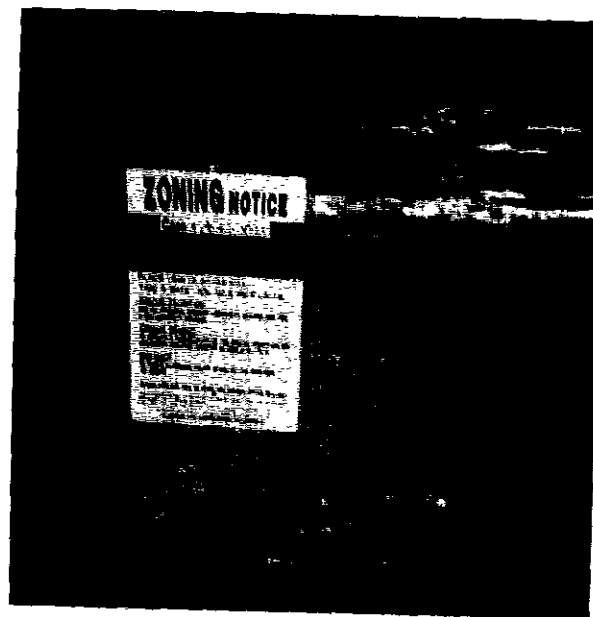
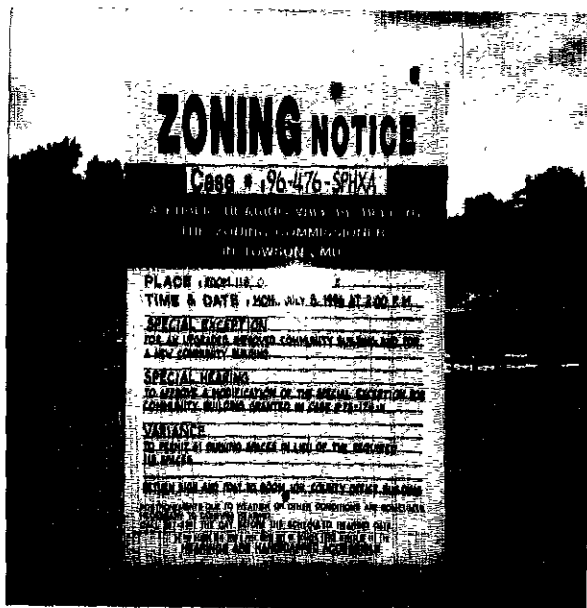
REAR MASONIC Temple  
Land MARK # 40



263 PARKING Lot



Post 263

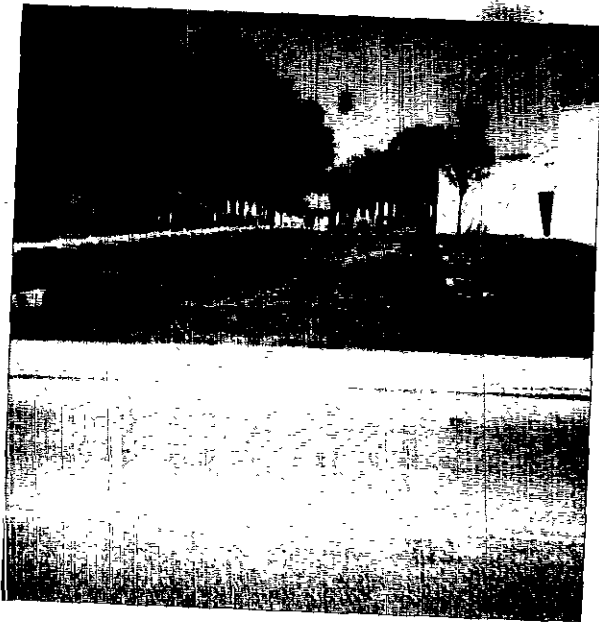


Side View Facing PARKING  
LOT

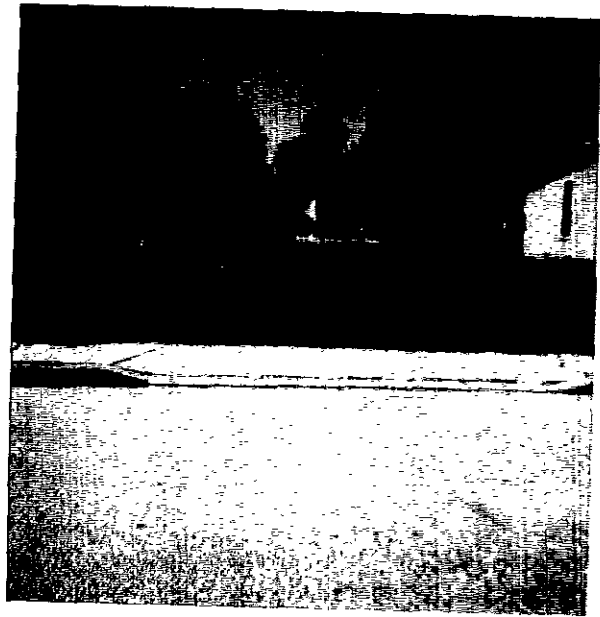


Front View Facing PARKING  
LOT





Church PARKing side  
view



REAR Church PARKing



OFF site street  
Wesley Ave



Banner OFF site  
front PARKing



Kodak *ds*  
digital science™

DEMO

Bannock Side Parking  
Lot

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land and structure which are the subject of these requests and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

MICROFILMED

ORDER RECEIVED FOR FILING

Date 8/2/96  
By [Signature]

**PETITIONER(S) SIGN-IN SHEET**

**ADDRESS**

208 Suter Rd. Bol to md. 2/228

421 Delaware Place BATH 21228

3148 Leads ST. # 21229

7012 DEERFIELD RD-21208

5901 LEWOOD AVENUE 2/228

6317 Johnny Cake Rd. 21207

817 EDMONDSON AVE. 21228

120 Tortoise Count 21207

3419 M. 1 Food M. 11 Rd. 21244

5901 Leewood Ave 21328

813 Edmondson Ave. 21228

3535 Wabash Ave 21215

199 WINTERS LA 21228

700 Count Towers 21204

1933 W. S. S. 21223

1 Newbury Ave 21228

939 Coleridge Rd 21229

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE -  
SW/3 Winters Lane, 884' W of the c/l of Edmondson Avenue (151 Winters Lane)  
1st Election District  
1st Councilmanic District  
American Legion Post #263  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 96-476-SHMA

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variance for that property known as 151 Winters Lane, located in the vicinity of Edmondson Avenue in Catonsville. The Petitions were filed by the owner of the property, the American Legion Post No. 263, by John A. Copeland, Commander, through their attorney, Newton A. Williams, Esquire. The Petitioner seeks approval of a modification of the special exception granted in prior Case No. 73-174-X and a special exception to permit a community building which complies to the extent possible with Residential Transition Area (RTA) requirements, pursuant to Section 1801.1.B.1.g(10) of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioner seeks a variance from Section 409.4 of the B.C.Z.R. to permit 61 parking spaces in lieu of the required 115 spaces. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were John D. Copeland, Sr., and Newton A. Williams, Esquire, attorney for the Petitioner. Numerous members of American Legion Post No. 263 as well as residents from the surrounding community also attended the hearing. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 1.008 acres, more or less, zoned D.R. 5.5 and is improved with a two-story brick and frame building which is the home of American Legion Post No. 263. The property was the subject of prior Case No. 73-174-X in which the Petitioner was granted a special exception for a community building on the subject property many years ago. The existing building is an old house which was converted for use by Post No. 263, subsequent to the granting of the special exception on February 7, 1973. The Petitioner is now desirous of razing that structure and building a new building as shown on Petitioner's Exhibit 1. Testimony revealed that Post No. 263 presently has 163 members and that because the existing structure is very small and has no kitchen, the Petitioner is in desperate need of upgrading their facility. Due to the proposed modifications to the relief granted in the prior case, and the property's location within the D.R. 5.5 zone, the special hearing and special exception relief are necessary. Furthermore, the Petitioner requested a period of five (5) years from the date of this Order in which to accomplish the proposed improvements.

As to the parking variance requested, testimony indicated that there is currently not enough space to meet current parking requirements; thus, a variance is needed in order to proceed with the proposed improvements. However, testimony revealed that the Petitioner has entered into an agreement with the Morningstar Baptist Church located on the adjacent property to utilize their parking lot for overflow parking. It was clear from the testimony that the parking provided on site as well as the overflow parking available on the adjacent lot will more than meet the needs of American Legion Post No. 263. In support of its request, the Petitioner

er submitted letters from many nearby community organizations as well as their neighbors indicating they have no objections to the relief requested.

In the opinion of this Deputy Zoning Commissioner, the proposed improvements will be a tremendous benefit to the surrounding community, given the services the American Legion Post No. 263 now provides, and the fact that the improvements themselves will have an aesthetic value.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 5.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

*Anderson v. Bd. of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land and structure which are the subject of these requests and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5<sup>th</sup> day of August, 1996 that the Petition for Special Hearing seeking approval of a modification of the special exception granted in prior Case No. 73-174-X to construct a new and improved community building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a community building which complies to the extent possible with Residential Transition Area (RTA) requirements, pursuant to Section 1801.1.B.1.g(10) of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petitioner shall have five (5) years from the date of this Order in which to utilize the special exception granted herein; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.4 of the B.C.Z.R. to permit 61 parking spaces in lieu of the required 115 spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

August 5, 1996

(410) 887-4386

Newton A. Williams, Esquire  
Nolan, Plunhoff & Williams  
210 W. Pennsylvania Avenue, Suite 700  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE  
SW/3 Winters Lane, 884' W of the c/l of Edmondson Avenue (151 Winters Lane)  
1st Election District - 1st Councilmanic District  
American Legion Post #263 - Petitioner  
Case No. 96-476-SHMA

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management Office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. John A. Copeland, Commander, American Legion Post #263  
151 Winters Lane, Catonsville, Md. 21228

People's Counsel

file

## Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 151 Winters Lane  
which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a modification of the special exception for community building granted in Case No. 73-174-X.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County, adopted pursuant to the Zoning Law for Baltimore County.

We do hereby declare under oath that the facts stated in this petition are true and correct to the best of our knowledge.

Legal Owner(s):

American Legion Post 263

Type of Petition:

Special Hearing

Signature: JOHN A. COPELAND, COMMANDER

Address:

City: State: Zip:

151 Winters Lane

Address: Catonsville MD 21228

City: State: Zip:

Name, Address and phone number of representative to be contacted:

Newton A. Williams

210 W. Pennsylvania Ave. Suite 700

Towson, MD 21204 Phone No. 823-7800

Address: Towson, MD 21204 Phone No. 823-7800

City: State: Zip:

ESTIMATED LENGTH OF HEARING: Available for Hearing

The following date: OTHER: Next Two Months

ALL: REVIEWED BY: R.T. DATE: 6-4-96

Item 483

## Petition for Special Exceptions to the Zoning Commissioner of Baltimore County

for the property located at 151 Winters Lane  
which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for: (1) an upgraded, improved community building; and (2) a special exception for a new community building, which complies "to the extent possible with RTA use requirements" under section 1801.13.1.g.(10).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do hereby declare under oath that the facts stated in this petition are true and correct to the best of our knowledge.

Legal Owner(s):

American Legion Post 263

Type of Petition:

Special

Signature: JOHN A. COPELAND, COMMANDER

Address:

City: State: Zip:

151 Winters Lane

Address: Catonsville MD 21228

City: State: Zip:

Name, Address and phone number of representative to be contacted:

Newton A. Williams

210 W. Pennsylvania Ave. Suite 700

Towson, MD 21204 Phone No. 823-7800

Address: Towson, MD 21204 Phone No. 823-7800

City: State: Zip:

ESTIMATED LENGTH OF HEARING: Available for Hearing

The following date: OTHER: Next Two Months

ALL: REVIEWED BY: R.T. DATE: 6-4-96

Item 483





# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 151 Winters Lane

which is presently zoned D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.4 to permit 61 parking spaces in lieu of the required 115 spaces.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
1. This is an existing, older American Legion Post which has a limited site available.
  2. The parking requirement will rarely be taxed, as 61 spaces is far more available than now provided.
  3. That there is an existing vacant parking lot available to the north, as well as space available on a church lot across Winters Lane.
  4. That the upgraded, modernized American Legion Post will be of great benefit to the property to be posted and advertised as presented by Zoning Regulations.
- I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Owner  
Type or Print Name  
Signature  
Address

Who do you hereby declare and affirm under the penalties of perjury, that you are the legal owner(s) of the property which is the subject of the Petition.

Legal Owner(s)  
American Legion Post 263

Type or Print Name  
Signature  
Address

JOHN A. COPELAND

Type or Print Name

Person for Petitioner  
Type or Print Name

Newton A. Williams

Signature  
Address

210 W. Pennsylvania Avenue

Suite 700

Towson MD 21204

City State Zip

ESTIMATED LENGTH OF HEARING

Approximate Length of Hearing

Best Two Months

REVIEWED BY: R.T. DATE: 6-4-96

## PHOENIX ENGINEERING, INC.

813 Maiden Choice Lane • Suite 300 • Baltimore, MD 21228 / CONSULTING ENGINEERS

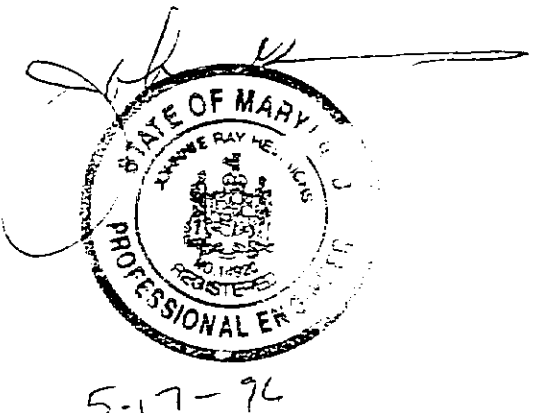
### ZONING DESCRIPTION

American Legion - Post 263  
151 Winters Lane  
Catonsville, Maryland 21228

BEGINNING at a point on the southwest side of Winters Lane, which is a 40 foot wide Right-of-way at the distance of 994 feet northwest of the centerline of the nearest improved street, Edmondson Avenue, which is 70 feet wide; thence the following courses and distances

1. South 56° 16' 50" West 248.02 feet to a point; thence
2. North 34° 44' 43" West 176.81 feet to a point; thence
3. North 57° 06' 52" East 252.41 feet to a point on said right-of-way of Winters Lane; thence running with said right-of-way
4. 135.90 feet along a curve with a radius of 2480.00 feet and having a chord bearing South 33° 34' 10" East 135.89 feet to a point; thence continuing along said right-of-way
5. 37.23 feet along a curve with a radius of 2520.00 feet and having a chord bearing South 32° 25' 26" East 37.23 feet to the place of beginning.

CONTAINING 1.008 Acres of land more or less.



ITEM # 483

Telephone: 410-247-8833 • Fax: 410-247-9397

### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 15 Date of Posting: 6/4/96

Posted for: Local Executive & Council Hearing

Petitioner: American Legion Post 263

Location of property: 151 Winters Lane, 263

Location of Sign: Along roadway on property being posted

Remarks:

Posted by: [Signature] Date of return: 6/5/96

Number of Signs: 1

Signature

Date of return: 6/5/96

Number of Signs: 1

Signature

Date of return: 6/5/96

Number of Signs: 1

Signature

Date of return: 6/5/96

Number of Signs: 1

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Number of Signs: 1

Signature

Date of return: 6/5/96

Number of Signs: 1

Signature

Date of return: 6/5/96

Number of Signs: 1

Signature

### BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

DATE: 6-4-96 ACCOUNT: 2201-6150

TO: 4550 12

FROM: 4550 12

AMOUNT: \$ 755.00

RECEIVED FROM: [Signature]

FOR: 96-476-XA

DATE: 6-4-96

AMOUNT: \$ 755.00

RECEIVED FROM: [Signature]

FOR: 96-476-XA

DATE: 6-4-96

AMOUNT: \$ 755.00

RECEIVED FROM: [Signature]

FOR: 96-476-XA

DATE: 6-4-96

AMOUNT: \$ 755.00

RECEIVED FROM: [Signature]

FOR: 96-476-XA

DATE: 6-4-96

AMOUNT: \$ 755.00

RECEIVED FROM: [Signature]

FOR: 96-476-XA

DATE: 6-4-96

AMOUNT: \$ 755.00

RECEIVED FROM: [Signature]

FOR: 96-476-XA

DATE: 6-4-96

AMOUNT: \$ 755.00

RECEIVED FROM: [Signature]

FOR: 96-476-XA

DATE: 6-4-96

AMOUNT: \$ 755.00

RECEIVED FROM: [Signature]

FOR: 96-476-XA

DATE: 6-4-96

AMOUNT: \$ 755.00

RECEIVED FROM: [Signature]

FOR: 96-476-XA

DATE: 6-4-96

AMOUNT: \$ 755.00

RECEIVED FROM: [Signature]

FOR: 96-476-XA

DATE: 6-4-96

AMOUNT: \$ 755.00

RECEIVED FROM: [Signature]

FOR: 96-476-XA

DATE: 6-4-96

AMOUNT: \$ 755.00

RECEIVED FROM: [Signature]

FOR: 96-476-XA

DATE: 6-4-96

AMOUNT: \$ 755.00

RECEIVED FROM: [Signature]

FOR: 96-476-XA

DATE: 6-4-96

AMOUNT: \$ 755.00

RECEIVED FROM: [Signature]

FOR: 96-476-XA

DATE: 6-4-96

AMOUNT: \$ 755.00

RECEIVED FROM: [Signature]

FOR: 96-476-XA

DATE: 6-4-96

AMOUNT: \$ 755.00

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AMOUNT: \$ 755.00

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AMOUNT: \$ 755.00

RECEIVED FROM: [Signature]

FOR: 96-476-XA

DATE: 6-4-96

AMOUNT: \$ 755.00

RECEIVED FROM: [Signature]

FOR: 96-476-XA



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

#### PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 483 Petitioner: American Legion Post

Location: 151 Winters Lane

PLEASE FORWARD ADVERTISING BILL TO:

NAME: American Legion Post 263

ADDRESS: 151 Winters Lane

Catonsville, Md. 21.25

PHONE NUMBER: 727-9762

TO: PETITIONER PUBLISHING COMPANY  
June 20, 1996 Issue - Jeffersonian

Please forward billing to:

American Legion Post 263

151 Winters Lane

Catonsville, MD 21228

727-9762

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-476-XA (Item 483)

151 Winters Lane

SW/S Winters Lane, 994' +/- W of c/l Edmondson Avenue

1st Election District - 1st Councilmanic

Legal Owner(s): American Legion Post 263

Special Exception for an upgraded, improved community building and for a new community building.

Special Hearing to approve a modification of the special exception for community building granted in case 873-174-X.

Variance to permit 61 parking spaces in lieu of the required 115 spaces.

HEARING: MONDAY, JULY 8, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

HEARING: MONDAY, JULY 8, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

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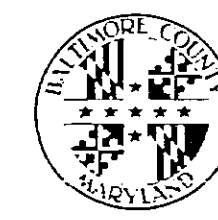
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Baltimore County  
Department of Permits and  
Development Management

Development Processing



BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management  
Date: June 21, 1996

FROM: Robert M. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for June 24, 1996  
Item No. 483

The Development Plans Review Division has reviewed the subject zoning item. The proposed 16-foot wide access off Winters Lane should be eliminated.

The submitted layout conforms with the Landscape Manual Area Requirements for Parking Lots and Perimeter Buffers. The planting notes on the plan do not constitute a reviewable plan. A Schematic Landscape Plan prepared by a Landscape Architect must be submitted at the Development Plan stage.

RMB:jrb

cc: File

ZONE14A

Baltimore County Government  
Fire Department

700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 06/20/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JUNE 17, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 483, 484, 485, 486, 488 & 489.

21

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office. PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink  
on Recycled Paper

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: PDM *Reginald Thomas* DATE: *6/14/96*

FROM: R. Bruce Sealey  
Permits and Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee  
Meeting Date: *June 17*

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: *483*  
*484*  
*485*  
*486*  
*487*  
*488*  
*489*

RBS:sp

BRUCE2/DEPRM/TXTSPB

SHA Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. *483 (LT)*

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

*Bob Small*  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PETITION PROBLEMS

#483 --- RT

1. No telephone number for legal owner.

#485 --- MJK

1. Only one legal owner signature on back of petition form.

#487 --- JLL

1. Need authorization for person signing for legal owner.

June 11, 1996

RE: PETITION FOR SPECIAL HEARING  
PETITION FOR SPECIAL EXCEPTION  
PETITION FOR VARIANCE  
151 Winters Lane, SW/S Winters Lane,  
994 +/- W of c/l Edmondson Avenue, 1st  
District, 1st Councilmanic  
American Legion Post 263  
Petitioner

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE NO. 96-476-SFHDA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2189

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this *25th* day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esquire, Nolan, Plushoff and Williams, 210 W. Pennsylvania Avenue, Suite 700, Towson, MD 21204, attorney for Petitioner.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

USE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

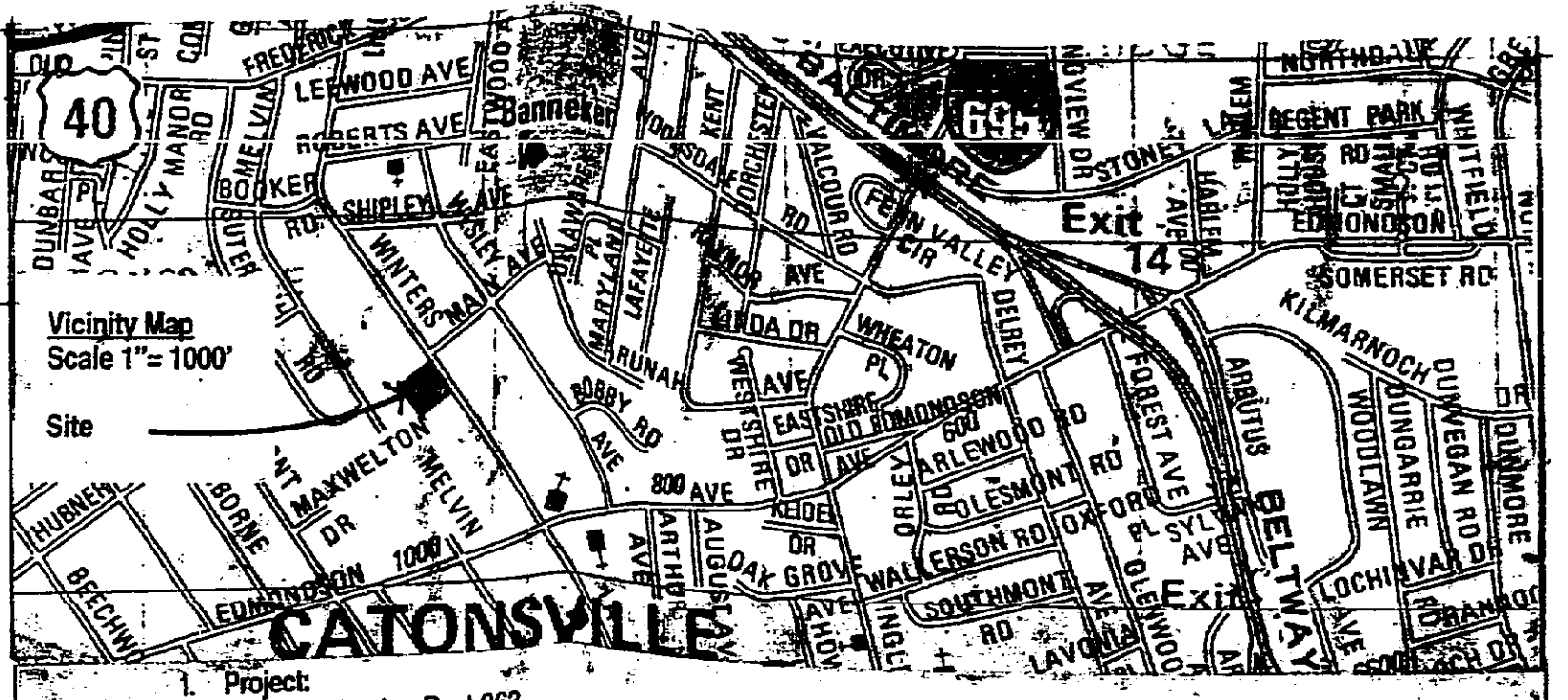
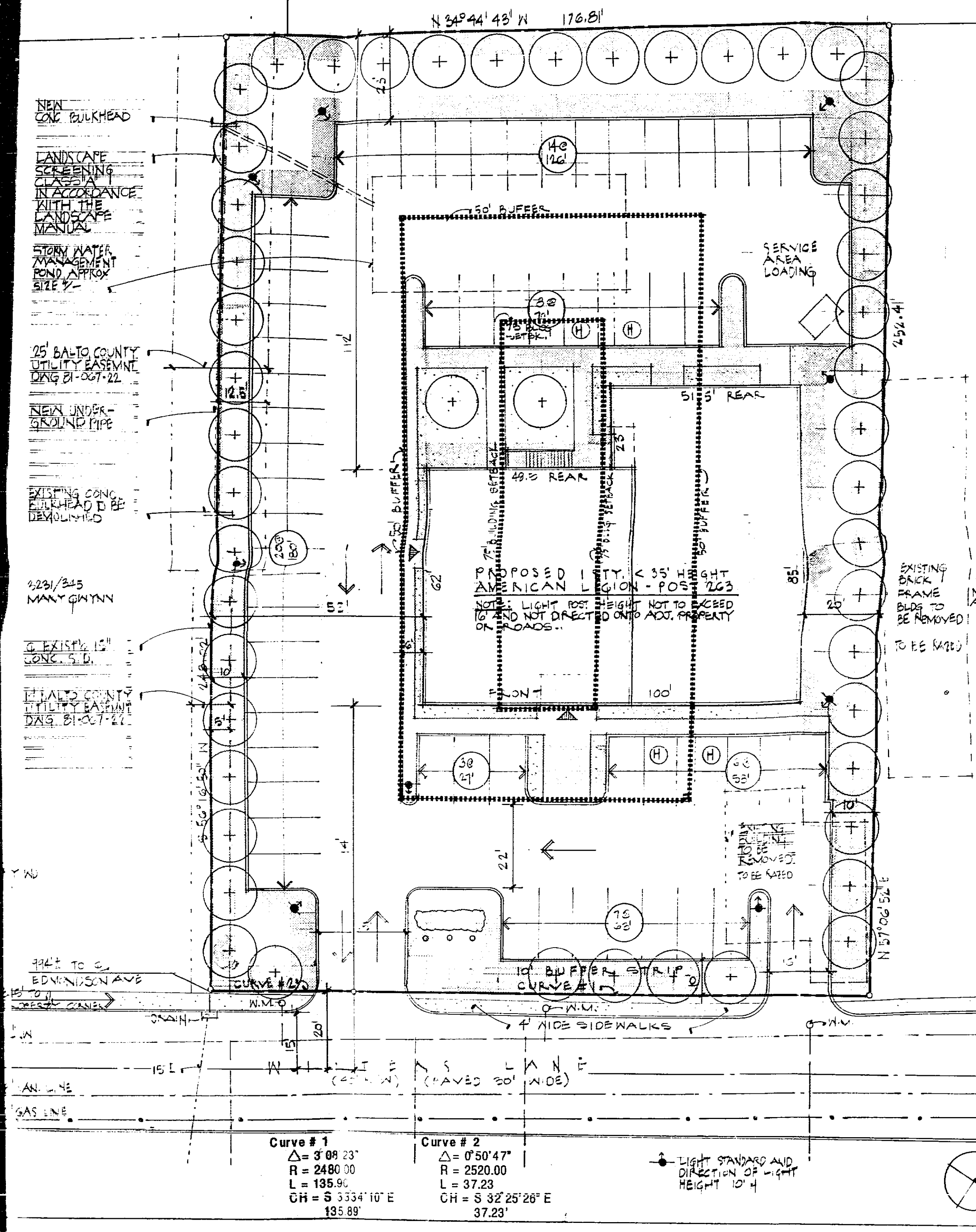
NAME	ADDRESS
<i>Thomas N. Boudell Jr.</i>	<i>208 S. R. Rd. Baltimore 21228</i>
<i>John D. Copeland Sr.</i>	<i>441 Delaware Ave. Baltimore 21228</i>
<i>Bernard H. Palmer Jr.</i>	<i>3148 Leeds St. # 21229</i>
<i>Eric A. Johnson</i>	<i>7012 DEERFIELD RD-21208</i>
<i>UPSMUR S. WEBB SR.</i>	<i>5901 LEESWOOD AVENUE 21228</i>
<i>Dorey J. Kelly</i>	<i>1317 Johnson Rd. 21207</i>
<i>William E. Gierman Sr.</i>	<i>817 Edmondson Ave. 21218</i>
<i>Thomas R. Curry</i>	<i>120 Tenthon Court 21247</i>
<i>Hilda M. Boudell</i>	<i>3419 M. Hill Rd. 21244</i>
<i>Ruth J. Webb</i>	<i>5901 Leeswood Ave 21228</i>
<i>Errol Smith Jr.</i>	<i>313 Edmondson Ave. 21228</i>
<i>Reginald P. Thomas</i>	<i>3590 Wabash Ave 21215</i>
<i>Franklin T. Leese</i>	<i>155 Winters Ln 21228</i>
<i>Newton A. Williams</i>	<i>700 Court House 21204</i>
<i>Reginald P. Thomas</i>	<i>1930 W. Sutter 21223</i>
<i>Robert G. Gorman, AIA</i>	<i>11 NW 10th Ave. 21210</i>
<i>Ernie Shinn Jr.</i>	<i>939 Colorado Rd 21229</i>





BALTIMORE COUNTY  
7/97/198

1607/167  
NANA CLARK  
(NOW RUDOLPH C. TURNER)



Project:  
American Legion Post 263  
151 Winters Lane  
Catonsville, Maryland 21228

2. ZONING ISSUES  
Name:  
Property Zoned: DR 5.5  
Election District 1, County Council District 1.

3. Property:  
Area = 43,902.203' or 1,008 Acres = Gross Area.  
BL Net Area = 43,902; DR 5.5 Net Area.  
BL Gross Area = 47,382; DR 5.5 Gross Area.  
FAR = N/A; FAR not required.

4. Scale: 1"=20'

5. Parking Data:  
Building Square Footage: Total Ground Floor sq. ft. 7,190 sq. ft.  
Meeting Hall-3740 sq. ft. - 75 parking spaces req'd  
Office-450 sq. ft. - 4 parking spaces req'd  
Catering Hall-754 sq. ft. - 15 parking spaces req'd  
Basement: 1,165 sq. ft.  
Meeting Hall- 20 Spaces per 1000 sq. ft. of gross ground floor area req'd.  
Office- 3.3 Spaces per 1000 sq. ft. of gross ground floor area req'd.  
Std Restaurant- 16 Spaces per 1000 sq. ft. of gross ground floor area req'd.  
Catering Hall- 20 Spaces per 1000 sq. ft. of gross ground floor area req'd.  
113 typical spaces required  
57 typical spaces shown  
2 handicapped spaces required  
4 handicapped spaces shown  
115 total spaces required  
61 total spaces shown

6. Typical Space Size: 9' x 18'.  
7. Paving Type: Macadam.  
8. Spaces Permanently Striped.  
9. Prior Special Exception Hearing: Granted for Commercial Building February 7, 1973; Case number 73-174-X. No restrictions. Location: 151 Winters Lane.  
10. Previous Community Permit: Liquor license number 952509 (This is not a Class D license).  
11. No Prior CRG Waivers, DRC approval given.  
12. All structures and uses within 20' are shown.  
13. Stormwater management, if required, shall be beneath the parking lot.  
14. The SIGN on building shall conform to section 413.1 E.1. of the B.C.Z.R., 1955.

15a. Petition for Special Exceptions (1) an upgrade, improved community building; and (2) a special exception for a new community building, which complies to the extent possible with RTA use requirements under Section 18P(1), B.1.g.(10).

15b. Petition for Special Hearing a modification of the Special Exception for community building granted in Case Number 73-174-X.

15c. Petition for Variance from Section 408.4 (to permit 61 parking spaces in lieu of the required 100 spaces) to the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons:

1. This is an existing, older American Legion Post which has a limited site available.
2. The parking requirement will surty be taxed, as 61 spaces is for more available than now provided.
3. That there is an existing vacant parking lot available to the north, as well as space available on a church lot across Winters Lane.
4. That the upgraded, modernized American Legion Post will be of great benefit to the area.

Plan to Accompany Special Exception, Special Hearing and Variance Petitions.

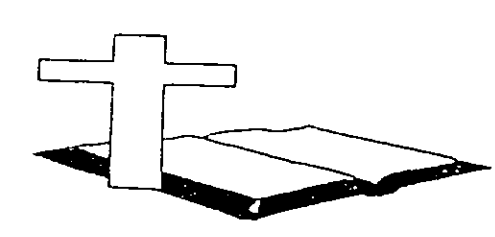
Date: 7 May 1996	Project: AMERICAN LEGION-POST 263 151 WINTERS LANE CATONSVILLE, MARYLAND 21228	Drawing: SITE PLAN
Revisions:	Company, P.C.	Sheet No. 1
ARCHITECTS WASHINGTON 4838 RUGBY AVENUE, BETHESDA, MARYLAND 20814, 202 354 2124 BALTIMORE 102 ROXBOROUGH AVENUE, CATONSVILLE, MARYLAND 21228, 410 788 2289	ITEM #483	

PETITIONER'S  
EXHIBIT 1



AX-976-96  
96-476-96

MORNING STAR BAPTIST CHURCH of Baltimore County  
154 Winters Lane  
Catonsville, Maryland 21228  
(410) 747-3417



June 26, 1996

Deacon Thomas H. Rynsey  
Chairperson of Deacon Board

Mrs. Shirley A. Scott  
Chairperson of Trustee Board

Mr. Benjamin Searby  
Treasurer

Mrs. Anita H. Page  
Church Clerk

TO WHOM IT MAY CONCERN:

This is to advise that the American Legion, Post #263, has permission to use our parking lot located at 153 Winters Lane, as their overflow.

If you need more information or any further assistance, please contact me through the Church at 747-3417.

Sincerely yours,

Shirley A. Scott  
Shirley A. Scott  
Chairperson-Trustee Board

PETITIONER'S  
EXHIBIT 5

July 5, 1996  
Concerned Citizens of Catonsville  
Community Association

To: Baltimore County Public Officials  
From: Charlotte Maybin  
President, CCCCA  
Re: The Proposal for the Catonsville  
American Legion Post # 263

Please be informed that the American Legion Post Officials and their architect presented a proposal to the Concerned Citizens of Catonsville this winter. The proposal was presented in a thorough manner and seemed to have taken into consideration a number of community options. Our community association is in full support of this project. Completing this project would mean significant improvement in the aesthetics of our community. In conclusion, our community would like to thank you in advance for your assistance in making this happen. If there are any concerns related to this issue, feel free to contact me. Please find below my mailing address and telephone number. Your consideration in this matter is greatly appreciated.

Charlotte Maybin  
140 Reedy Ave.  
Catonsville, Md.  
Telephone: 1-(410)-744-7423

PETITIONER'S  
EXHIBIT 4

73-174-X

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

January 2, 1973

Edward S. Callaghy, Esq.,  
133 St. Paul Place  
Baltimore, Maryland 21202

Re: Special Exception Petition  
Case No. 73-174-X  
Edna S. Maybin - Petitioner

Dear Mr. Callaghy:

The Zoning Advisory Committee has reviewed the plan submitted to the Zoning Board for the proposed American Legion Post #263, located at 151 Winters Lane, Catonsville, Maryland. The Committee has the honor to inform you of its findings and recommendations.

The subject property is located on the southeast corner of the intersection of Winters Lane and the proposed parking lot. The property is currently zoned DR 5.5 (Dwelling Single-Family, Medium Density).

The proposed American Legion Post #263, located at 151 Winters Lane, Catonsville, Maryland, is a proposed community building. The building is proposed to be constructed on the subject property. The building is proposed to be constructed on the subject property. The building is proposed to be constructed on the subject property.





A. Subject site and Present, Older Post Building on the SW 1/3 of Winters Lane, opposite Main Avenue at North corner

American Legion Post 263  
Case No. 96-476-SPHXA

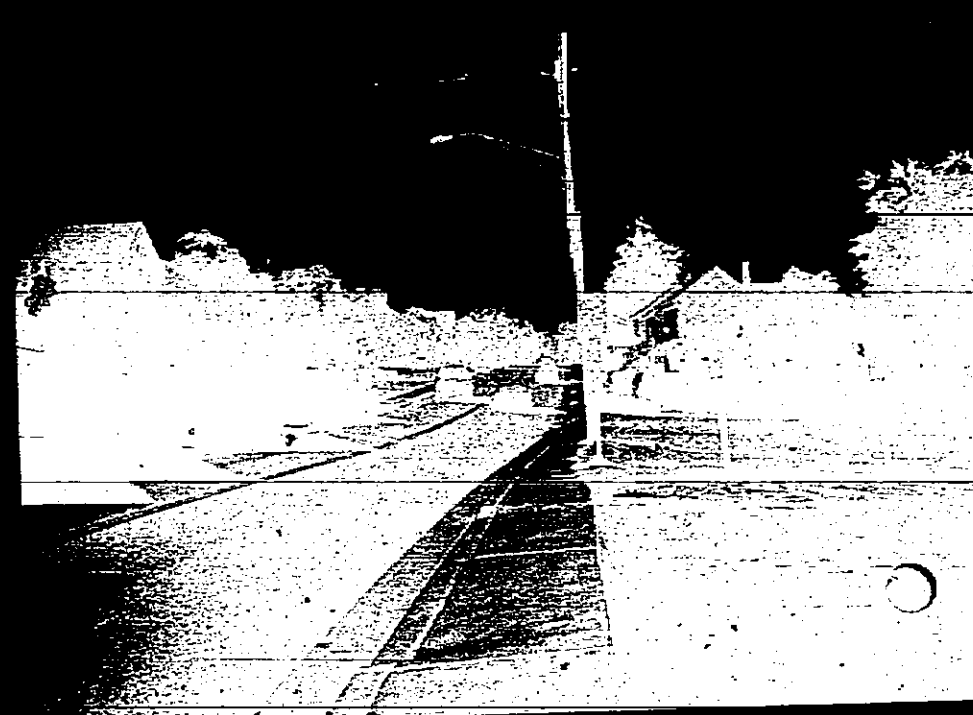
PETITIONER'S  
EXHIBIT 2A



B. Present, older post building granted in Case No. 73-7424



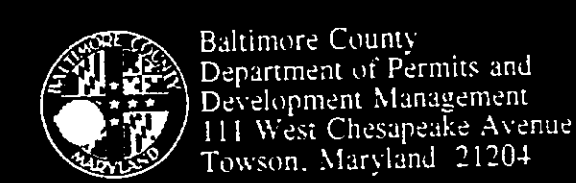
C. Looking NW on Winters Lane toward Route 40 West



E. Looking SE on Winters Lane from present post building and driveway



D. Central and southern side of site



96-476-XA  
PETITIONER'S  
EXHIBIT 3  
96-476-XA

